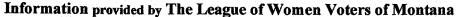EXHIBIT 3
DATE 02/15/07
HB 632

Election Systems and Software (ES&S)
Problems in 2006
M100, M150 Optical Scanners & 650 Vote Count Machines and AutoMARK

* Summit County, Ohio. **Optical scanner memory cards have 30% failure rate,** rest thrown out. ES&S Account Manager denies problem cards distributed nationally.—"Summit voting gear flunks, *Beacon Journal*, 3/9/06. Ten percent of replacement cards failed.—Optical-scan cards show improvement, *Beacon Journal*, 3/10/06.

* Raleigh, NC. **Defective optical scan memory cards** shipped to North Carolina. **Readback errors and low batteries** cause op/scan memory cards to fail.—Voting system's troubles spread, *Ohio Beacon Journal*, 3/16/06.

* Mahoning County, Ohio. **Central voting system machine didn't recognize the software** used on the optical scanners used to count absentee paper ballots.—Election problems fuel dispute, *The Vindicator*, 5/23/06.

* Arkansas. Phillips County had **scanner re-programmed.** Pulaski County's 136 precincts had a software problem.—Voting machine problems, KARK4, 5/23/06.

* Clark County, AK. **ES&S failed to print paper ballots on time.** Local officials printed ballots on office paper, but they would not go through the scanners.—Ballot problem could prolong count tonight, *The Daily Siftings Herald*, 5/23/06.

* Benton County, Arkansas. **Precinct scanners, which are supposed to warn voters of overvotes so they can correct the error, didn't warn them.** Overvotes weren't counted.—E Voting Zaps Quick Totals, *The Morning News*, 5/23/06.

* Phillips County, Arkansas. **Tabulators, with flawed ballot programming** furnished by ES&S, mistook 432 Democratic votes for Republican and failed to count them in the Democratic primary.—District 16 recount sought; 432 lost votes cited in suit, *Northwest Arkansas News Source*, 6/24/06.

* Pottawattamie County, Iowa. **New ES&S optical scanners tabulate votes incorrectly** due to flawed ballot programming by ES&S. A hand count showed that Loren Knauss, candidate on the Republican ballot, won, where the optical scanners recorded him as the loser.—Faulty voting machines delay results; counting under way, *The Daily Nonpareil Online*, 6/7/06.

* Pottawattamie County, Iowa. **Flawed ballot programming by ES&S** reported results of all nine contested primary races incorrectly. Each winner turned out to be a loser.—Polk County Recorder to Contest Election, *The Des Moines Register*, 6/24/06.

* St. Francis County, Arkansas. A recount of the State Senate District 16 runoff primary race reversed the initial, incorrect results caused by **a ballot programming error.**—Recount In AR Race Reverses Result, *Eyewitness News*, 6/20/06.

* Athens County, OH. **M100 precinct scanners failed to scan ballots** in at least two polling places.— Why did so much go wrong on Election Day in Athens County? *Athens NEWS*, 11/13/06.

* Bannock County, ID. **M100's couldn't read ballots.** Scanners failed to recognize the ink recommended by ES&S—VOTING RECOUNT, *KPVI Channel 6 News*, 11/11/06.

* Benton County, AR. **ES&S tabulation software subtracted votes as new totals were added.** Some precincts reported more votes than the entire population of the town, others unusually low turnout--4 counties' tallies slow; votes called 2 days late, *NORTHWEST ARKANSAS Focus* 11/8/06.

* Pottawattamie County, IA. **Software programming error** on the ES&S tabulator delayed counting.—*Des Moines Register*.com, 11/8/06.

* Calhoun County, IA. **ES&S M100 scanners locked up** and had to be reset by election officials, Voting snags are resolved quickly, Iowans report, *Des Moines Register*, 11/8/06.

* Athens County, OH. **ES&S 650 mis-fed ballots** until repaired by a technician.— ATHENS COUNTY LAST TO REPORT RESULTS, *The Athens Messenger*,11/8/06.

* Contra Costa County, CA. **Six ES&S M100 ballot scanners at various polling locations weren't reading ballots Some jammed** when reading the 19-in long ballot. Others **had electrical failures** that disabled the visual display..— Minor malfunctions reported at East Bay polls, *CONTRA COSTA TIMES*, 11/7/06.

* Butler County, IA. **ES&S M100 ballot scanners were reading straight-party votes incorrectly, activated the undervote warning wrongly. Ballot programming error was made in-house**—Scattered voting machine snags reported, *Des Moines Register*, 11/0706.

* Smith County, TX. The county's **central tabulating computer failed on election night**. An ES&S technician removed the hard drive and installed it in another computer, which was used to tally the votes. Paula Patterson, Smith County elections administrator, said, "Computers and other equipment can fail occasionally."— COMMISSIONERS TO HEAR MORE ABOUT ELECTION-NIGHT DELAYS, *Tyler Morning Telegraph*, 11/19/06.

* Flathead County, MT. **Optical scanner memory cartridges read by the computers counted all votes for just one candidate**—Communication breakdown, *Missoula Independent*, 11/16/06.

* Pawtucket County, RI. Disabled voters find **AutoMARK difficult to use. Ballot-scanners don't accept the ballots.** —Voters handicapped, by Douglas Hadden, *Times* staff writer, 11/16/06.

* Fayette County, WV. **Programming in the ES&S M100 scanners tabulated the votes incorrectly.** County Clerk Kelvin Holliday had instituted a cross-checking system and discovered that tallies didn't match. Correcting the tallies changed the margins in several races.— Fayette glitches lead to all-night vote count *The Register-Herald* , 11/08/06.

* Yellowstone County, MT. **Election administrator may have counted some absentee ballots twice**, so he will recount all ballots in the county. Procedures for the ES&S scanners require that absentee ballots be 'zeroed out' before regular ballots are scanned, and the administrator forgot this step on two scanners. --Software flub leads to county recount; Problems delay results elsewhere in the state, *The Billings Gazette*, 11/8/06.

* Johnson County, IA. All 14,000 ballots needed to be rescanned because of a **procedural problem with the tabulating equipment.** The county uses ES&S M100 scanners-- *Des Moines Register.com*, 11/08/06.

* Summit County, OH. A printer certified by **ES&S sent 22,000 misprinted ballots** to the county. Already late, the delay will make absentee voters wait even longer for their ballots. "When the ballots arrived at the Summit County Board of Elections on Thursday, staff members discovered the second page was fraught with typographical errors." --No QA at the printer, it appears, *Akron Beacon Journal*, 10/20/206.

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